

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

IN RE:)	
)	
Keith A Yerian)	Case # 6:15-bk-01720-KSJ
)	Chapter 7
<u>Debtor</u>)	

TRUSTEE'S OBJECTION TO PROPERTY CLAIMED AS EXEMPT

TO: The Above-Captioned Debtor and His Attorney of Record:

Richard B. Webber II, Trustee, pursuant to 11 U.S.C. §522(l), hereby objects to the second amended claim of exemptions filed by the Debtor on August 18, 2015 (Doc # 48), and shows:

1. Keith A Yerian filed a petition under Chapter 7 of this title on February 27, 2015.
2. The 11 U.S.C. Section 341 Meeting of Creditors ("Meeting") was held and concluded on April 9, 2015.
3. On July 28, 2015, Debtor filed First Amended Schedule B (Doc. # 42) adding an IRA Trust Services Company valued at \$350,000.00.
4. On July 28, 2015, Debtor filed First Amended Schedule C (Doc. # 42) exempting the IRA Trust Services Company under Fla. Stat. Ann. § 222.21(2) and exempting a 1998 BMW M Roadster under Fla. Stat. Ann. § 222.25(4), hereinafter referred to as "Property".
5. On August 18, 2015, Debtor filed Second Amended Schedule B (Doc. # 48) changing the value of the 1998 BMW M Roadster from \$6,125.00 to \$1,500.00 and the 2008 Smart for Two from \$3,275.00 to \$400.00.

6. The Trustee objects to the Debtor's change in value of the vehicles. The NADA values used by the Court are \$6,125.00 for the 1998 BMW M Roadster and \$3,275.00 for the 2008 Smart for Two. See Exhibit "A" attached hereto and incorporated by reference herein.

7. The Trustee objects to the Debtor's claim of exemptions of the Property because Debtor concealed assets and made false oaths regarding the assets.

8. The Trustee intends to administer the non-exempt portion of the Property in the bankruptcy case for the benefit of the bankruptcy estate's creditors.

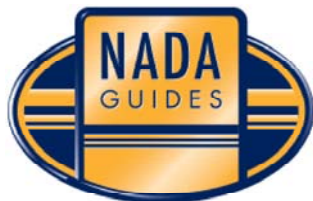
9. The Trustee filed a motion requesting his previous Objection to First Amended Exemptions (Doc. # 46) be combined and track with Adversary Proceeding No. 6:15-ap-64-KSJ which is scheduled for Hearing on August 27, 2015 at 10:15 a.m.

WHEREFORE, the Trustee moves this Court to enter its order as follows: (a) sustaining the objection; (b) denying the Debtor's claim of exemptions of the Property as set forth above; and (c) liquidate non-exempt assets for the benefit of creditors; (d) consolidate Objections with Adversary Proceeding No. 6:15-ap-64-KSJ; and (e) for such further relief as this Court deems just and reasonable.

I HEREBY CERTIFY that a true and correct copy of the foregoing Objection has been furnished by either electronic transmission or first-class United States Mail, postage prepaid, on the August 26, 2015 to: Keith A Yerian, 5767 TREASURE LANE, GRANT, FL 32949; Brett A Elam, LAW OFFICES OF BRETT A ELAM PA, 105 S. NARCISSUS AVENUE, SUITE 802, WEST PALM BEACH, FL 33401; and to the United States Trustee's Office, 400 W. Washington St., Ste. 1100, Orlando, Florida 32801.

Dated: August 26, 2015

/s/Richard B. Webber II
Richard B. Webber II, Trustee
PO Box 3000
Orlando, FL 32802-3000
(407)425-7010
E-mail: rwebber@zkslawfirm.com



NADAguides Price Report

5/28/2015

1998 BMW Z Series

Roadster 2D M

Values

	Rough Trade-In	Average Trade-In	Clean Trade-In	Clean Retail
Base Price	\$4,200	\$5,600	\$6,775	\$9,700
Mileage (140,000)	\$525	\$525	\$525	\$525
Total Base Price	\$4,725	\$6,125	\$7,300	\$10,225
Options:				
Price with Options	\$4,725	\$6,125	\$7,300	\$10,225

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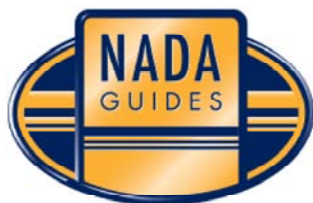
Claim & offer disclosure

Rough Trade-In - Rough Trade-in values reflect a vehicle in rough condition. Meaning a vehicle with significant mechanical defects requiring repairs in order to restore reasonable running condition. Paint, body and wheel surfaces have considerable damage to their finish, which may include dull or faded (oxidized) paint, small to medium size dents, frame damage, rust or obvious signs of previous repairs. Interior reflects above average wear with inoperable equipment, damaged or missing trim and heavily soiled /permanent imperfections on the headliner, carpet, and upholstery. Vehicle may have a branded title and un-true mileage. Vehicle will need substantial reconditioning and repair to be made ready for resale. Some existing issues may be difficult to restore. Because individual vehicle condition varies greatly, users of NADAguides.com may need to make independent adjustments for actual vehicle condition.

Average Trade-In - The Average Trade-In values on nadaguides.com are meant to reflect a vehicle in average condition. A vehicle that is mechanically sound but may require some repairs/servicing to pass all necessary inspections; Paint, body and wheel surfaces have moderate imperfections and an average finish and shine which can be improved with restorative repair; Interior reflects some soiling and wear in relation to vehicle age, with all equipment operable or requiring minimal effort to make operable; Clean title history; Vehicle will need a fair degree of reconditioning to be made ready for resale. Because individual vehicle condition varies greatly, users of nadaguides.com may need to make independent adjustments for actual vehicle condition.

Clean Trade-In - Clean Trade-In values reflect a vehicle in clean condition. This means a vehicle with no mechanical defects and passes all necessary inspections with ease. Paint, body and wheels have minor surface scratching with a high gloss finish and shine. Interior reflects minimal soiling and wear with all equipment in complete working order. Vehicle has a clean title history. Vehicle will need minimal reconditioning to be made ready for resale. Because individual vehicle condition varies greatly, users of NADAguides.com may need to make independent adjustments for actual vehicle condition.

Clean Retail - Clean Retail values reflect a vehicle in clean condition. This means a vehicle with no mechanical defects and passes all necessary inspections with ease. Paint, body and wheels have minor surface scratching with a high gloss finish and shine. Interior reflects minimal soiling and wear with all equipment in complete working order. Vehicle has a clean title history. Because individual vehicle condition varies greatly, users of NADAguides.com may need to make independent adjustments for actual vehicle condition. Note: Vehicles with low mileage that are in exceptionally good condition and/or include a manufacturer certification can be worth a significantly higher value than the Clean Retail price shown.



NADAguides Price Report

5/28/2015

2008 Smart FORTWO-3 Cyl.

Coupe 2D Pure

Values

	Rough Trade-In	Average Trade-In	Clean Trade-In	Clean Retail
Base Price	\$2,500	\$3,275	\$3,900	\$5,675
Mileage (98,572)	N/A	N/A	N/A	N/A
Total Base Price	\$2,500	\$3,275	\$3,900	\$5,675
Options:				
Price with Options	\$2,500	\$3,275	\$3,900	\$5,675



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